

Application No.: 10/759,841

Docket No.: 023004.0104N3US

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DEC 29 2006

REMARKS

The Office Action dated November 29, 2006 has been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. The above amendments to the claims and the following remarks are respectfully submitted. By this Amendment, Applicants have amended claims 68, 69 and 72-74. Support for the amendments may be found in at least the following sections of the specification: page 27, lines 7-9. No new matter has been added. Claims 66-69, 72-76, 79, 80, 82 and 115-162 are currently pending in this application.

Response to Restriction Requirement

In an Office Action dated November 29, 2006, the Examiner required restriction to one of the following species under 35 U.S.C. § 121: a target gene from a viral gene, a lentivirus, an immunodeficiency virus, a ssRNA virus, a dsDNA virus, a transgene in an animal cell, or an endogenous gene of an animal cell. The Examiner states that if Applicants elect the species of a viral gene, a further election is required between a viral gene encoding DNA polymerase, encoding RNA polymerase or encoding a viral coat protein.

Applicants respectfully traverse the restriction requirement. Applicants respectfully submit that the above-mentioned species are overlapping. For instance, a ssRNA should be included in the viral gene category. In addition, a lentivirus and an immunodeficiency virus are classified within the family of ssRNA viruses. To be completely responsive, Applicants hereby elect the species of a ssRNA target gene, covered by claims 66-69, 72-76, 79, 80, 82, 115-119, 121, 123-143, 145 and 147-162. Insofar as a further species election is required, Applicants elect a RNA polymerase. Upon indication of allowable subject matter, the non-elected claims will be canceled. Applicants reserve the right to file continuation or divisional applications drawn to the non-elected inventions and claims.

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Applicants' election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

Applicants would like to bring to the Examiner's attention the fact that the present application contains linking claims. It is Applicants' understanding of U.S. Patent practice that the Examiner will examine any elected subject matter and any linking claims and that upon the finding of allowable subject matter will issue the allowed claims and the linking claims.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2228, under Order No. 023004.0104N3US from which the undersigned is authorized to draw.

Dated: December 29, 2006

Respectfully submitted,

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